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LANCASTER COUNTY
CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

COUNTY MISCELLANEOUS NO. 12004:)
TEXT AMENDMENT TO THE LANCASTER)
COUNTY LAND SUBDIVISION RESOLUTION,)
TO REMOVE PROVISIONS FOR)
ADMINISTRATIVE SUBDIVISION PERMITS)
AND TO ALLOW FINAL PLATS WITHOUT A)
PRELIMINARY PLAT AND TO AMEND THE)
DESIGN STANDARDS TO PROVIDE)
GUIDANCE FOR AG PRESERVATION LOTS,)
AS PROVIDED IN ATTACHMENT "A")

RESOLUTION NO.

R-12-0059

WHEREAS, the Director of the Lincoln-Lancaster County Planning Department, at the request of the Lancaster County Board of Commissioners ("County Board"), requests an amendment to Chapter 3, Procedure, of the Lancaster County Land Subdivision Resolution, to remove the provisions for Administrative Subdivision Permits and to allow Finals Plats without a Preliminary Plat under specific circumstances; and

WHEREAS, the Direct of the Lincoln-Lancaster County Planning Department, at the request of the County Board, requests an amendment to Chapter 4, Design Standards, of the Lancaster County Land Subdivision Resolution, to provide guidance for the design standards of AG Preservation lots; and

WHEREAS, the above-described text amendments are provided in Attachment "A", attached hereto and incorporated by this reference; and

WHEREAS, the Lincoln-Lancaster County Planning Department has recommended approval of this amendment concluding that the proposed amendments are in general conformance with the goals of the 2040 Lincoln-Lancaster County Comprehensive Plan ; and

WHEREAS, on June 27, 2012, after public hearing, the Lincoln-Lancaster County Planning Commission agreed with the staff recommendation and voted 9 to 0 to recommend

approval of said text amendments; and

WHEREAS, on July 17, 2011, the Lancaster County Board of Commissioners conducted a public hearing regarding said text amendments and voted to approve said amendments.

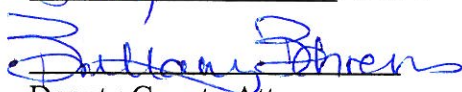
NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Lancaster County, Nebraska that the amendments to Chapter 3, Procedure, and Chapter 4, Design Standards, of the Lancaster County Land Subdivision Resolution, as provided in Attachment "A," are hereby adopted and approved.

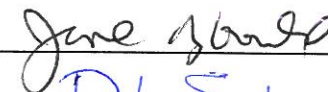


BE, IT FURTHER RESOLVED, that any other references in said Resolution which may be affected by the above specified amendments be, and they hereby are, amended to conform to such specific amendments.

DATED this 24 day of July, 2012, in the County-City Building, Lincoln,
Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this 24 day of
July, 2012.


Deputy County Attorney
for JOE KELLY
Lancaster County Attorney




Neier abstained
Hudkins Absent

CHAPTER 3

PROCEDURE

Sec. 3.01. SUBDIVISION, WHEN REQUIRED. It shall be unlawful for the owner, agent or person having control of any land within the subdivision, jurisdiction of the County of Lancaster, to subdivide land, except in accordance with Section 23-174.03 Reissue Revised Statutes of Nebraska 1943, and the provisions of this resolution, provided however, that any subdivision of land caused by the acquisition of land by the Federal Government, State of Nebraska, *any natural resource district, any county, city, or village, within the jurisdiction of the County, shall be deemed to have received approval as required by Neb. Rev. Stat. 23-184.03 (Cum. Supp. 1980). This proviso shall apply to all such subdivisions occurring both before and after the effective date of this section. (August 5, 1986, Resolution No. 4214)

~~Sec. 3.02. ADMINISTRATIVE SUBDIVISION.~~ A plat shall be required for all subdivisions except as permitted in this section. The Planning Director or his/her authorized representative is hereby authorized to approve subdivisions under the following conditions:

- ~~(a) No highway, road or street is accepted or needed within the area of the new lots. (Resolution #4852, March 31, 1992)~~
- ~~(b) No more than four (4) lots shall be created from any lot, tract or parcel of land. If the remainder of any one parcel of land is ten (10) acres or less, it shall be considered one of the four (4) lots.~~
- ~~(c) Necessary easements for drainage, utilities and any other improvement required by this resolution shall be granted.~~
- ~~(d) All improvements required by this resolution shall be completed before the Planning Director approves the subdivision except individual water well systems and individual wastewater systems. Then, the subdivider shall agree to install and construct such systems on each lot prior to or at the time improvements are erected on the lot.~~
- ~~(e) The subdivider shall submit such information as set forth in this resolution when specified by the Planning Director.~~
- ~~(f) The subdivision shall be in accordance with the Comprehensive Plan.~~
- ~~(g) The subdivision shall comply with the Design Standards, Chapter 4, Minimum Improvements, Chapter 5, and Subdivision with Flood Plain, Chapter 6, in this resolution.~~
- ~~(h) Where an individual water well system for each lot or a community water system is proposed, water quality and quantity tests, results and reports as required in Chapter 7 shall be submitted by the subdivider.~~
- ~~(i) Where individual water or wastewater systems are proposed to serve any of the proposed lots, the Health Department must approve the system, and all plans and information required by the Health Department shall be provided by the subdivider.~~
- ~~(j) Prior to the approval of the subdivision, the subdivider shall provide a statement from the County Treasurer's Office showing there are no liens of taxes against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the County Treasurer's Office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated for public use.~~
- ~~(k) In the event of any proposed dedication for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the County showing all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished. Such~~

~~proof of title shall be in a form acceptable to the County Attorney. Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be made only upon the prompt notification and certification to the Planning Director of said change in ownership. The County shall assume no responsibility for any title problem with said proposed subdivision or any part thereof, and approval of said subdivision shall not be construed as approval of the title of the proposed subdivision or any part thereof.~~

~~(l) The subdivider shall submit an accurately drawn plan showing the proposed lots including the length of each lot line and its angle of deflection. Attached to the plan shall be a certificate signed by a registered land surveyor certifying that each proposed lot has been accurately surveyed in the proposed subdivision and that each lot corner has been well and accurately staked and marked; except the certified boundary survey and staking may be waived by the Planning Director if the subdivision involves only the moving of the side lot lines shown on a final plat. The survey shall mathematically close with an error of not more than one (1) in twentyfive thousands (25,000). When necessary data to make the tie is available from the County Engineer, the periphery corners of the subdivision shall be tied into the modified state plane coordinate system.~~

~~(m) Copies of the application shall be distributed to other county departments and governmental agencies who are directly concerned with the proposed subdivision for their review and comments.~~

~~(n) Requests for modification shall be filed in the Planning Department. A notice to adjacent property owners shall be mailed at least 14 days before the Planning Commission's public hearing. Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing. (November 15, 1988; Resolution No. 4432; November 18, 1999; Resolution No. 99-2330; September 5, 2003, Resolution No. 03-0091; September 1, 2006, Resolution R-06-0071)~~

~~(o) The Planning Director shall file the approved subdivision permit with all agreements and required easements in the office of the Register of Deeds of Lancaster County, Nebraska, within fifteen (15) days from the date of approval. The recording fees shall be paid in advance by the subdivider and submitted to the Planning Director.~~

Sec. 3.03. FILING PRELIMINARY PLAT. Except as provided in Section 3-02 3.12 (c) and 9.03 of this chapter, a preliminary plat shall be required under this Resolution. A person proposing to subdivide land shall file with the Planning Director copies of the preliminary plat prepared in accordance with the specifications of Chapter 7 herein. The Planning Director shall determine the number of copies to be filed. (November 8, 2005, Resolution No. R-05-0142)

Sec. 3.04. DEPARTMENT REPORTS ON PRELIMINARY PLAT. The Planning Director shall distribute copies of the preliminary plat and owner's statement and accompanying data to other county departments and governmental agencies who are directly concerned with the proposed subdivision. Reports shall be returned to the Planning Department within 30 days.

Sec. 3.06. HEARING BY COMMISSION. Hearing on a preliminary plat shall be before the Commission, provided:

(a) that notice of the consideration of such plat and the time and place of hearing shall be given to all interested persons as hereinafter provided, and

(b) a report from the Planning Director, Health Department and the County Engineer has been received by the Commission.

Sec. 3.08. APPROVAL OF PRELIMINARY PLAT. If, upon hearing, the Commission shall find such proposed plat to satisfy the requirements of this resolution, it shall approve said plat. If, upon hearing, the Commission shall find that such proposed plat does not satisfy the

requirements of this resolution, it shall specify in writing in the minutes of the hearing such objections as are found to such plat and may recommend the disapproval of such proposed plat, or recommend approval conditioned upon specific changes in the proposed plat, and complying with this resolution.

The Commission's findings shall be filed with the County Clerk within seven (7) days of the Commission's findings. Any interested person may appeal to the County Board any action of the Commission by filing notice of appeal with the County Clerk within (7) days following the filing of such findings. One copy of the proposed plat and findings shall be retained by the Commission and one copy and findings given to the person offering the proposed plat. The approval of the preliminary plat shall not constitute authority for the subdivider to sell the individual lots. (Resolution R-07-0015, March 13, 2007)

Sec. 3.09. PRELIMINARY PLAT APPROVAL LIMITED. If any final plat on all or a portion of the approved preliminary plat is submitted five (5) years or more after the effective date of the preliminary plat, the Planning Director may require that a new preliminary plat be submitted, pursuant to all the provisions of the subdivision resolution. A new preliminary plat may be required if the Subdivision Resolution, the Design Standards, or the required improvements have been amended by the Board; and as a result, the preliminary plat as originally approved does not comply with the amended rules and regulations. Any aggrieved person may appeal any action of the Planning Director to the Planning Commission, and any decision of the Planning Commission to the County Board, by filing notice of appeal within fourteen (14) days following the action being appealed. The appeal of the Planning Director's action shall be filed with the Director, and the appeal of the Planning Commission's action shall be filed with the County Clerk. (Resolution R-07- 0015, March 13, 2007)

Sec. 3.10. AUTHORITY TO PROCEED WITH FINAL PLANS AND INSTALLATION OF IMPROVEMENTS. Receipt by the subdivider of the copy of the approved preliminary plat, together with the approval of the Commission or the approval of the Board, if appealed, shall constitute authority for the subdivider to proceed with final plans and specifications for the installation of the required improvements and preparation of the final plat. Prior to the construction of any of the required improvements, the subdivider shall submit such final plans and specifications to the appropriate agency pursuant to Chapter 5 - Minimum Improvements for examination. If, upon examination, the appropriate agency shall find such plans and specifications to be in accordance with applicable policies and standards, construction shall be authorized. All construction of streets, roads and public ways within the subdivision shall be inspected by a person approved by the County Engineer. The County Engineer shall be notified at the beginning and end of each phase of construction. Certificates shall be issued by the inspector for all phases of construction showing compliance or non-compliance with the standards herein and submitted to the County Engineer. All costs of inspections and surveying shall be the responsibility of the subdivider.

The subdivider shall (a) post a surety in the amount of 5% of the estimated construction costs of the streets and roads, and (b) agree to pay the cost to repair any and all failures of the streets and roads. These terms shall remain in effect for two years from the date of final plat approval. (June 26, 1990; Resolution No. 4653)

Sec. 3.11. INSTALLATION OF IMPROVEMENTS. The owner of a tract may prepare and secure approval of a preliminary plat of an entire area and may install the required improvements only in a portion of such area, but all improvements except individual water well systems and individual wastewater systems must be installed in any portion of the area for which a final plat is approved for recording; provided, however, that the community wastewater

system and community water system shall be designed and built to serve the entire area owned by the subdivider or designed and built in such a manner that each system can be easily expanded or extended to serve the entire area.

Sec. 3.12. FILING FINAL PLAT.

(a) If the preliminary plat is still in effect as set out in Section 3.09, a final plat in accordance with the approved preliminary plat may be filed. The final plat shall be drawn in accordance with an accurate survey of the subdivision, the approved preliminary plat, and the design standards set out in Chapter 4 herein. The subdivider shall file with the Planning Department the final plat and in addition thereto the number of copies required by the Planning Director, together with the following documents:

* (1) Prior to the approval of the final plat by the Planning Director, the subdivider shall provide a statement from the County Treasurer's Office showing that, according to their records, there are no liens of taxes against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the County Treasurer's Office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. The County shall assume no responsibility for any tax or special assessment liability on the property to be subdivided, and approval of said final plat shall not be construed as either approval of or act as a waiver of the enforcement of all applicable statutes and resolutions with regard to the collection of taxes and special assessments on the proposed subdivided property or any part thereof. All taxes and special assessments must be paid in full on all real property dedicated in fee to a public use. (November 8, 2005, Resolution No. R-05-0142; Resolution#4852, March 31, 1992.)

(2) In the event of any proposed dedication for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the County showing all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished. Such proof of title shall be in a form acceptable to the County Attorney. Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be made only upon the prompt notification and certification to the Planning Director of said changes in ownership. The County shall assume no responsibility for any title problem with said proposed subdivision or any part thereof, and approval of said final plat shall not be construed as approval of the title of the proposed subdivision or any part thereof. *

(3) Whenever property is subdivided with the intention that it will have a use other than permitted by the district in which such property is located as designated on the then existing Lancaster County zoning district maps, such use shall be stated. No final plat shall be approved unless or until it complies with the zoning resolution of the County.

(b) If the time period between the effective date of the approved preliminary plat and the date the final plat is submitted exceeds five (5) years and the required improvements have not been installed, the subdivider may, prior to preparing the final plat, request a written opinion from the Planning Director as to whether the conditions of approval and the approved preliminary plat are still in compliance with the subdivision resolution, design standards, and required improvements. The Planning Director shall submit to the subdivider a written response indicating whether the conditions of approval and the approved preliminary plat are still in compliance with the current subdivision resolution, design standards, and required improvements. If the preliminary plat is not in compliance, the Planning Director shall list the items of noncompliance and may require that a new preliminary plat be submitted by the subdivider pursuant to all of the provisions of the Subdivision Resolution.

(c) A subdivider may file a final plat without an approved preliminary plat and the Planning Director or his/her authorized representative may approve such a final plat under the following conditions:

- (1) No highway, road or street is accepted or needed within the area of the new lots. (Resolution #4852, March 31, 1992)
- (2) No more than four (4) lots shall be created from any lot, tract or parcel of land. If the remaining outlot of any one parcel of land is ten (10) acres or less, it shall be considered one of the four (4) lots.
- (3) Necessary easements for drainage, utilities and any other improvement required by this resolution shall be granted.
- (4) All improvements required by this resolution shall be completed before the Planning Director approves the subdivision except individual water well systems and individual wastewater systems. Then, the subdivider shall agree to install and construct such systems on each lot prior to or at the time improvements are erected on the lot.
- (5) The subdivider shall submit such information as set forth in this resolution when specified by the Planning Director.
- (6) The subdivision shall be in accordance with the Comprehensive Plan.
- (7) The subdivision shall comply with the Design Standards, Chapter 4, Minimum Improvements, Chapter 5, and Subdivision with Flood Plain, Chapter 6, in this resolution.
- (8) Where an individual water well system for each lot or a community water system is proposed, water quality and quantity tests, results and reports as required in Chapter 7 shall be submitted by the subdivider.
- (9) Where individual water or wastewater systems are proposed to serve any of the proposed lots, the Health Department must approve the system, and all plans and information required by the Health Department shall be provided by the subdivider.
- (10) Prior to the approval of the subdivision, the subdivider shall provide a statement from the County Treasurer's Office showing there are no liens of taxes against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the County Treasurer's Office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated for public use.
- (11) In the event of any proposed dedication for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the County showing all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished. Such proof of title shall be in a form acceptable to the County Attorney. Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be made only upon the prompt notification and certification to the Planning Director of said change in ownership. The County shall assume no responsibility for any title problem with said proposed subdivision or any part there, and approval of said subdivision shall not be construed as approval of the title of the proposed subdivision or any part thereof.

Sec. 3.13. DEPARTMENT REPORTS ON FINAL PLAT.

(a) The Planning Director shall distribute copies of the final plat and other accompanying data to other county departments and governmental agencies who are directly concerned with the proposed subdivision.

(b) Each department or governmental agency which is directly concerned with the proposed subdivision shall, within ten days from receipt of a copy of the final plat, file with the

Planning Director its approval of said plat or a report indicating in what manner such final plat does not conform to the requirements of this resolution and all other rules, regulations, and standards adopted pursuant to this resolution over which such department has administrative responsibility.

(c) Within fifteen days from receipt of all of the above reports, the Planning Director shall notify the subdivider in writing of the recommended approval, conditional approval or disapproval of the final plat based upon a review of the recommendations of the various departments and the Director's own review of the design of the subdivision. If the Director finds that the final plat should be conditionally approved, the notification shall set forth all conditions of approval. The Planning Director shall also furnish the subdivider a subdivision agreement to be executed by the subdivider and the County Board wherein the subdivider agrees to comply with all conditions of approval and further agrees to construct the required improvements as provided therein. (November 8, 2005, Resolution No. R-05-0142)

Sec. 3.14. REQUISITES FOR FINAL PLAT APPROVAL. No final plat shall be approved by the Planning Director unless or until all the required minimum improvements as set out in the approval of the preliminary plat have been installed and constructed and such has been approved by the appropriate agency, except individual water well systems and individual wastewater systems. In those subdivisions where an individual water well system and individual wastewater system is allowed the subdivider shall agree to install and construct such systems on each lot prior to or at the time improvements are erected on the lot. (November 8, 2005, Resolution No. R-05-0142)

Sec. 3.16. FINAL PLAT APPROVAL.

(a) When the final plat conforms to the approved preliminary plat and the requirements have been accomplished, or when the final plat meets the requirements of section 3.12(c), certification to this effect shall be endorsed on the final plat by the Planning Director. (November 8, 2005, Resolution No. R-05-0142)

(Bb) Any aggrieved person may appeal any action of the Planning Director to the Planning Commission, and any decision of the Planning Commission to the County Board by filing notice of appeal within fourteen days following the action being appealed. The appeal of the Planning Director's action shall be filed with the Director, and the appeal of the Planning Commission's action shall be filed with the County Clerk. If the Planning Commission approves a final plat and its action is not appealed to the County Board, the final plat shall be signed by the Chairman of the Commission. If the County Board approves a final plat after the appeal of the denial of such a plat by the Commission, no further action shall be required by the Commission to approve such a plat. After approval thereof by the County Board, the plat shall be returned to the Planning Department for signing by the Chairman of the Commission. Thereafter, such plat shall be processed in accordance with the procedures set forth in Section 3.17. (November 8, 2005, Resolution No. R-05-0142)

Sec. 3.17. FINAL PLAT FILED WITH REGISTER OF DEEDS. No plat shall be filed for record or recorded in the Office of the Register of Deeds of Lancaster County, and no lot shall be sold from such plat unless and until:

(a) Such final plat has been approved by the Planning Director, or in the event of an appeal, by the Planning Commission or County Board;

(b) Provision for the installation and construction of all required minimum improvements have been fulfilled;

(c) The subdivider has submitted to the Planning Director the recording fee. Thereafter, the approved final plat and a copy of the accepting resolution certified by the County Clerk, along with the subdivision agreement and any other required agreements and an analysis of the

quality and quantity of underground water when individual water well systems are to be used shall be filed and recorded in the Office of the Register of Deeds of Lancaster County, Nebraska. Thereupon, such final plat shall be equivalent to and operate as a deed in fee simple to Lancaster County or other applicable utility or governmental entity from the owner of all streets, alleys, public ways and grounds, and of such portions of land as herein set apart for public and County use. The Planning Director shall have the responsibility for transmitting to the Office of Register of Deeds the approved final plat, the subdivision agreement, any other required agreements and any other data that must be recorded. The planning Director shall ascertain the amount of the recording fees due to the Register of Deeds and notify the subdivider. (November 8, 2005, Resolution No. R-05-0142)

Sec. 3.18. SURVEY ERRORS. In the event that a survey error is found at any time after the filing of the final plat with the Register of Deeds, the subdivider shall be notified by the Planning Director. Thereafter, the subdivider shall immediately proceed to cause the survey error to be corrected. Building permits on any or all the lots within the subdivision may be withheld and the County may take such action it deems appropriate to obtain the correction of the survey error. The subdivider shall submit to the Planning Director a corrected final plat, and an explanation letter setting forth the corrections. The Planning Director shall transmit the corrected final plat and the letter of explanation to the County Engineer. The County Engineer shall review and return comments to the Planning Director. (November 8, 2005, Resolution No. R-05-0142; September 1, 2006, Resolution No. R-06-0071)

After the Planning Director has approved the corrected final plat, the Planning Director shall then file the approved corrected final plat in the Office of the Register of Deeds. The recording fee shall be paid in advance by the subdivider and submitted to the Planning Director. The name of the corrected final plat shall be "A corrected plat of (the name of the said subdivision)." The word "replat" shall not be used. The corrected plat shall comply with this resolution and the conditions of the original plat as approved by the County. (November 8, 2005, Resolution No. R-05-0142)

Sec. 3.19. VACATION OF PLAT (VOIDING). The owner of any subdivision or plat may file a request to vacate all or a portion of such subdivision or plat with the Planning Department. A notice to adjacent owners of record shall be mailed at least ten (10) days before the Planning Commission's public hearing. Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing. After notification of the proposed action has been mailed to the owners of record within one mile of the boundary of the proposed vacation, the board may then set forth conditions it deems appropriate and approve the vacation. After the vacation is approved by the Board, the Planning Director shall then file the resolution approving the vacation in the Office of the Register of Deeds. Thereupon, the previous subdivision or plat shall be voided. The recording fee shall be paid in advance by the owner and submitted to the Planning Director. (November 13, 1990, Resolution No. 4690; September 5, 2003, Resolution No. 03-0091; September 1, 2006, Resolution No. R-06-0071)

Sec. 3.20. FINAL PLAT AMENDMENTS. After a final plat has been approved, the Planning Director is authorized to approve amendments to the plat if:

- (a) A request for amendment is filed with the Planning Director, accompanied by a survey, if appropriate;
- (b) There is no increase in the number of lots;
- (c) No public land will be accepted as a result of the amendment, except as may be incidental to the adjustment of lot lines and/ or right-of-way lines;
- (d) The amendment is consistent with the purposes of this chapter;

(e) The amended plat is filed in the Office of the Register of Deeds of Lancaster County, Nebraska, and the recording fees have been paid in advance by the subdivider and submitted to the Planning Director. (November 8, 2005, Resolution No. R-05-0142; September 1, 2006, Resolution No. R-06-0071)

Sec. 3.21. EXPIRATION OF APPLICATION.

All applications for a final plat or administrative subdivision permit shall automatically expire and become null and void one (1) year after submission of the application, if the applicant by said date has failed to satisfy all the conditions of approval set forth in the Planning Director's letter. All applications which are placed on pending before the Planning Commission or County Board at the request of the applicant shall automatically expire and become null and void one (1) year after the application was placed on pending.

At least thirty (30) days before the date of expiration, the Planning Director shall cause notice of expiration to be sent to the applicant by regular United States mail, postage prepaid. Said notice shall advise the applicant that the matter shall automatically terminate unless prior to the expiration date the applicant has satisfied all the conditions of approval set forth in the Planning Director's letter or the Planning Director receives a request from the applicant to remove the application from pending and reschedule the matter on the Planning Commission or County Board agenda as appropriate. (Resolution R-07-0015, March 13, 2007; Resolution R-08-0024, April 15, 2008; Resolution No. R-08-0094, November 4, 2008).

Sec. 3.22. AMENDMENTS TO THE TEXT.

The County Board may from time to time on its own motion or on petition, amend, supplement, change, modify or repeal by resolution this resolution. Any proposed amendment, supplement, change, modification, or repeal shall first be submitted to the Lincoln-Lancaster County Planning Commission for its recommendations and report. After the recommendations and report of the Commission has been filed, the County Board shall, before enacting any proposed amendment, supplement, change, modification, or repeal, hold a public hearing in relation thereto, giving notice of the time and place of such hearing as provided in section 9.05(a). (Resolution No. R-08-0094, November 4, 2008).

CHAPTER 4 DESIGN STANDARDS

Sec. 4.01. CONFORMITY TO THE COMPREHENSIVE PLAN. The subdivision shall conform to and be in harmony with the Comprehensive Plan.

Sec. 4.02. RELATION TO ADJOINING HIGHWAY, ROAD OR STREET SYSTEM.

(a) The arrangement of streets and roads in new subdivision shall make provision for the continuation of the existing highways, roads, or streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The street, road, and alley arrangement shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(b) Off-set streets and roads should be avoided.

(c) The angle of intersection between streets should not vary more than 10 degrees (10) from a right angle.

(d) Proposed street intersections shall be located on existing major streets and roads to provide stopping sight distance for 50 mph traffic on the existing major street or road. Stopping sight distance shall be as described in the current AASHTO Standards at the time the subdivision is being proposed. (June 26, 1990; Resolution No. 4653).

Sec 4.03 STREET, ROAD AND OTHER RIGHT-OF-WAY The location of major highways, streets, roads and other rights-of-way shall conform to the locations designated in the Comprehensive Plan.

The minimum right-of-way widths shall be as follows:

Type	Right-of-Way Width
State and Federal Highways	180 feet
Major roads and streets (Paved and potential paved streets and roads shown on future Street and Road Network Maps in the Comprehensive Plan.)	100 feet
Local roads and streets	60 feet
Cul-de-Sacs	60 foot radius
Alleys	20 feet

When streets and roads adjoin un-subdivided property, a half right-of-way at least thirty (30) feet in width may be dedicated. Whenever subdivided property adjoins a half right-of-way, the remainder of the street shall be dedicated. Half rights-of-way should be avoided.

In all cases of permanent dead-end streets and roads, cul-de-sac rights-of-way shall be dedicated. Streets and roads ending in a cul-de-sac shall not have more than a potential of forty (40) dwelling units nor be longer than one thousand (1,000) feet.

In the case of AG Preservation subdivisions, a minimum of 50 feet of right-of-way shall be dedicated along all abutting County section line and one half section line roads.

Alleys should not be provided in a residential subdivision except under very unusual conditions. Alleys may be required in the rear of commercial lots. (June 26, 1990; Resolution No. 4653)

Sec. 4.04. EASEMENTS. Easements of at least five (5) feet in width shall be provided and dedicated on each side of rear lot lines and side lot lines, where necessary, and ten (10) feet along front lot lines where the lots would be better served from the front lot line, for poles, wires, conduits, storm drains, wastewater collectors, water, or other mains. Easements of greater width may be required along or across lots where necessary for the extension of mains, sewers, or other utilities. Power and communication easements shall be separate from other easements except at crossings.

Shared driveways for AG Preservation lots shall have a minimum 60 foot wide public access, utility and maintenance easement as described in section 4.15.

Sec. 4.05. EASEMENTS ALONG STREAMS. Whenever any stream or important surface drainage course is located in any area which is being subdivided, the subdivider shall provide an adequate easement as determined by the County Engineer along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage or parkway.

Sec. 4.06. SIDEWALKS. Portland concrete sidewalks shall be constructed in pedestrian ways and on both sides of all streets and roads including major streets only when necessary by reason of pedestrian traffic generated on adjacent land, the size of the subdivision, lot areas within the subdivision, or uses within the subdivision and only when the areas are zoned "R" Residential, "B" Business, and "I" Industrial, or are approved community unit plans.

The Board may approve alternate locations for sidewalks pursuant to the following criteria:

(a) The location of the alternate sidewalk must be predominantly parallel to the street where the standard sidewalk would have been required.

(b) The alternate sidewalk shall be connected at its extremities to the sidewalk located in the abutting street.

(c) Sidewalks shall be constructed to the limits of the subdivision in the abutting streets.

(d) The minimum length of the sidewalk allowed to be placed in the alternate location shall not be greater than six hundred sixty (660) feet.

(e) The distance between the alternate sidewalk location and the standard sidewalk location shall not be greater than fifteen percent (15%) of the total length of the alternate sidewalk.

(f) An easement permitting public use of the sidewalk and ensuring continual maintenance and availability to the public of the sidewalk shall be provided for all sidewalks approved at alternate locations and located outside of the public right-of-way.

Sec. 4.07. BLOCKS. No block shall be longer than thirteen hundred twenty (1,320) feet between cross streets. A cross walk with an easement five (5) feet in width shall be required where the block exceeds one thousand (1,000) feet in length and where needed for pedestrian traffic.

Sec. 4.08. LOTS.

(a) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development.

(b) All side lines of lots shall be at right angles to a straight street line on a radial line where curved streets exist, except where a variation of this rule will provide a better street and lot layout.

(c) No lot shall have an area or width less than that required by any zoning resolution except as permitted by an approved community unit plan or through an AG Preservation subdivision. However, subject to rules and regulations of the Health Department regarding the use of an individual wastewater systems, a larger lot area and lot width than required by zoning resolution may be required by the Board.

(d) The minimum width of residential lots shall be fifty (50) feet at the building lines. No lot shall have a depth in excess of three (3) times its width; however, any lot in the "B" or "I" zoning districts which has a minimum width of at least one hundred (100) feet may have a maximum depth of five (5) times its width. The Planning Director may waive this requirement for AG Preservation lots in order to accommodate a desirable lot arrangement and a shared driveway.

(e) The minimum depth for residential lots shall be ninety (90) feet, except lots abutting a major highway, street or road shall have a minimum depth of one hundred twenty (120) feet.

(f) Corner lots shall have an extra width sufficient to permit the establishment of front building lines on both the adjoining streets.

(g) Lots fronting on major highway, street, or road intersections and other acute angle intersections which are likely to be dangerous to traffic movement shall have a lot line radius of twenty (20) feet at the street corner. On business lots, a chord may be substituted for the circular arc.

(h) The residential lot arrangement of a subdivision shall be accomplished in such a manner that there will be no lots with a double frontage; i.e., a lot fronting on two non-intersecting public streets and roads. However, in circumstances where the subdivision abuts a major highway, street, or road, double frontage lots shall be required when no frontage road exists adjacent to or abutting on the major highway, street, or road, and access from the lot is only to an interior street. Where double frontage lots are allowed, the subdivider, the subdivider's successors and assigns shall relinquish the right of access from the lot to the major highway, street, or road, and place covenants and restrictions upon the land to run with the land relinquishing said access as approved by the County Attorney.

(i) Every lot shall front upon and have access to a public street or road, except lots may front upon and take access to a private roadway if said lots are located within an approved community unit plan or upon the public access easement of a shared driveway if lots are part of an AG Preservation development.

(j) Residential lot arrangement shall be such that no lot accesses a major highway, street, or road, and shall only access an interior subdivision road, or shared driveway in the case of AG Preservation lots, except when creating a lot for a single family dwelling which has existed for five (5) years as a primary residence associated with a farm, which meets the minimum housing and health codes, and which has an approved access to the major highway, street, or road. (June 26, 1990; Resolution No. 4653).

Sec. 4.09. STREET AND ROAD NAMES. (a) Where they are continuations of existing streets, the existing street names shall be used.

(b) Proposed street names shall not duplicate or approximate phonetically the name of any existing street in Lancaster County and the City of Lincoln.

(c) Streets running predominantly straight north and south shall be numbered consecutively in sequence with adjacent streets, except upon approval of the Board. Amended August 27, 1996

(d) North-south numbered streets east of First Street and north of "O" Street shall be preceded by the word "North", and those north-south streets south of "O" Street and east of First Street shall be preceded by the word "South". North-south numbered streets west of First Street and north of "O" Street shall be preceded by "N.W.", and those north-south streets south of "O" Street and west of First Street shall be preceded by "S.W."

(e) All streets running east-west shall be named or given a letter designation where applicable. All east-west streets west of First Street shall have their name preceded by the word "West".

(f) Diagonal or curvilinear streets shall be named.

(g) The names or designation of cul-de-sacs shall be given the suffix "Bay", "Circle", "Court" or "Place". (Res. 5365, 8-27-96)

Sec. 4.10. MAINTENANCE RESPONSIBILITY OF PRIVATE COMMON FACILITIES. Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees, or other physical facilities necessary or desirable for the welfare of the area and which the County does not desire to maintain, provision shall be made for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision. All such maintenance agreements shall be incorporated in covenants and restrictions governing the subdivided property and shall be submitted to the County Attorney for approval prior to recordation with the Register of Deeds. Mowing and trimming of the seeded portion of the interior roads shall be the responsibility of the adjacent property owner. (June 26, 1990; Resolution No. 4653).

Sec. 4.11. PARKS, SCHOOL SITES, ETC. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use, so as to conform to any recommendations of the Comprehensive Plan.

Sec. 4.12. LAND GRADING. Earth moving shall be kept to a minimum to protect and preserve the existing trees and grasses and to keep erosion to a minimum. Graded and otherwise disturbed land shall be stabilized to prevent erosion. Trees that are to remain shall be protected to prevent damage to them during construction and development of the subdivision.

Sec. 4.13. DRAINAGE.

(a) The area to be subdivided shall be designed and laid out so as to provide proper and sufficient drainage. The storm drain system shall adequately drain the subdivision and shall be constructed to allow the storm water to flow by gravity from the subdivision to an adequate outlet. Roadway drainage structures shall be designed for a minimum 10-year storm frequency for watersheds under 100 acres. For most watersheds over 100 acres, roadway drainage structures shall be designed for a minimum 25-year storm frequency. However, in isolated cases, the County Engineer may require that higher storm frequencies be used. In no case shall the design headwater elevation exceed the proposed shoulder elevation.

(b) Design discharges shall be computed using any of the following methods:

Rational Method
Potter Method
SCS Method

Drainage structures shall be sized using the procedures outlined in Hydraulic Engineering Circular No. 5.

(c) The necessary permits shall be obtained for the construction of drainage structures, roadways or other improvements. A Corps of Engineer permit will generally be required for all structures draining 640 acres or more or for structures located in excess of one (1) mile from the headwaters of the watershed. Flood plain permits are required for any structure located in the flood plain. (June 26, 1990; Resolution No. 4653).

Sec. 4.14. STREET AND ROAD DESIGN.

(a) Streets and roads within the subdivision shall conform to the Nebraska State Board of Public Roads Classification Local Road RL-1. State highways and other highways, roads, or streets designated in the Comprehensive Plan shall have a typical cross section as determined by the Nebraska Department of Roads or the County Engineer.

(b) Streets and roads within the subdivision shall have a vertical and horizontal alignment designed for a minimum speed of 25 miles per hour. The vertical and horizontal design shall conform to the current AASHTO standards at the time the subdivision is being proposed. The maximum grade shall be seven percent (7%) and the minimum grade shall be one-half percent (0.5%). (This section added by the Board of County Commissioners on June 26, 1990; Resolution No. 4653).

4.15 DESIGN STANDARDS FOR AG PRESERVATION LOTS

The following alternative design standards may be applied to AG Preservation lots.

a. AG Preservation lots shall take access off a single shared driveway. Shared driveways shall have a public access, utility and maintenance easement of not less than 60 feet. This easement shall extend from the public right of way to the lot line of the outlot or adjoining lot, or run the full length of the AG Preservation lots to provide access should the property be further subdivided in the future.

1) In the case of AG Preservation subdivisions with frontage on more than one County section line or one half section line road, a single access point on each road may be allowed when the frontage on that road meets the minimum requirement and a safe access point can be approved by the County Engineer.

b. Shared driveways with public access easements may be part of the larger outlot or in a separate outlot.

c. The access point for a shared driveway shall be approved by the County Engineer.

d. The Director of Planning may waive the required lot depth of no more than 3 times the width in cases where it would allow for a more favorable lot arrangement or a shared driveway for AG Preservation lots.

e. An AG Preservation lot may be allowed to front upon a public access, utility and maintenance easement. The Director of Planning has the authority to reduce frontage requirements for AG Preservation subdivisions; however, the frontage requirements shall not be reduced if the AG Preservation subdivision has sufficient frontage on a County section line or one half section line road to meet the minimum requirement.

1) AG Preservation subdivisions that create a single buildable lot from a 20 acre parcel shall maintain the required minimum frontage.

f. When an AG Preservation subdivision abuts a County section line or one half section line roadway a minimum of 50 feet of right of way shall be dedicated along the length of that road abutting the subdivision.